

Gerry Spence Interview – October 8, 1991

Transcribed and edited by Russ Sherwin, March 30, 2010, Prescott, Arizona

Version: V-1 First Draft for review

- Subject: Gerry Spence
- Occupation: Trial lawyer
- Born: January 8, 1929
- Died: —
- Interviewer: Mark Junge
- Interview date: October 8, 1991
- Place of Interview: Not given
- Topic of interview: General discussion of philosophy, early life, parents, career
- Source recording for transcription: 2 Audio CDs, about 82 minutes total
- Also present during interview: Not indicated

Transcriber's notes: I have edited the spoken interview as lightly as possible, attempting to preserve the "voice" of the interviewer and the subject as much as possible while removing the stumbling blocks to the reader. I have deleted most of the ums, ers and the false starts and stuttering, and I have tried to punctuate according to what feels right when reading the transcript against the recording. I have not edited grammar.

Russ Sherwin

The interview of Gerry Spence begins:

Mark Junge: One of the things I felt from the beginning on this project was that if we were going to talk to people, and photograph people, but particularly if we were going to talk to people, we should get them the way they are. And in my estimation, the human voice is an artifact, and I think you emphasize in one of your books—at least one of your books—how important it is for you, you know, your elocution, or your training as a singer, really helped you in a courtroom. And I believe as a historian that it's very important to document a person that way. So that I don't believe in just putting a microphone on a table and letting the sounds go in and then depending on the transcript. I think the human voice itself is important to preserve and that's why I try to go with these collar mikes instead of just a general tape recorder that the media uses.

Well, I guess, to begin with, Gerry, I'd like to ask you, when and where you were born?

Gerry Spence: Well, are you going to ask me the basic questions that you already know the answers to, or do you want to get some additional information from me that maybe you haven't—I was born in Laramie, as you know, in 1929.

Mark Junge: What date?

Gerry Spence: January 8th, in a little house on Custer Street.

Mark Junge: Okay. I would like to get just a few stories about your youth, get some taste of what your youth was like and then I want to go into your profession and ask you some questions about that.

Gerry Spence: I really think that if somebody came to me, when people come to me and ask for a job, they most often come to me with a curriculum vitae with a list of universities they've attended, the articles they've published, the clubs they belong to, and that sort of thing. And what I would really like to know about that person is, I'd like to have a really accurate picture of how they were for the first ten years of their life.

If I could see those little people, those little boys, and girls, during the first ten years of their life, I would have all I need to know about them. Let us say, at least the most important things that I would need to know about them. I would have achieved some knowledge of their values, of their conflicts, and most important, I would be told about their primary life's experience. What they relate themselves to. For example, (laughs) if you were to take a young person, an average young person today, and try to sort out their primary experiences, unfortunately most of their primary experiences might well be—television. It might not be a Sunday school picnic, or a fishing trip up Little Goose Canyon, or a hunting trip up Spring Creek in the Bighorns. It would more likely be some kind of an experience that this young person had in watching *The Terminator*, on television. And it's becoming increasingly hard to find human beings who have had valuable primary experiences. So when you ask to know something about my youth, I think that if you were able to see me as a young person during those formative years, you would know most of the things that have motivated me and have directed me and have impelled me as a man. And all of the mysteries that we have of each other and that we hold of each other and all the mythology that surrounds us would soon vanish if we saw where that all came from.

In my own case, I was born in Laramie, but I, my parents, soon after my—(clears throat)—I seem to have engaged a Wyoming Toad in my throat—which is supposed to be extinct, as you know—Soon after I was born, my parents, in the second or third year moved from Laramie and my father went to work at the C-B&Q Railroad in Peoria, Illinois. And I had a little sister, three years of age, who died there. She got sick one morning and she died that night, and my earliest experiences were—is a memory of her being sick, a memory of her death and of her burial, and a memory of—I don't have a memory of the expressed fear of my parents, but most certainly it must have been one that instilled itself deeply into me. I can remember that on the way— my parents immediately left Illinois—they went—within the week, she died and was buried and we left. They couldn't bear to live there a day longer after her burial. And I think that the death of that child

had a great deal to do in forming me in ways that I don't know much about yet, some almost sixty years later. But I do know, having observed other mothers and parents, that the death of a small child, a child two or three years old, is something from which the parents rarely recover. The scars are too deep and too horrible. And I don't believe that my mother ever recovered from that. Later, when she was in her early fifties, she committed suicide. Although none of us ever understood why, exactly, none of us ever understood the complete psychological and physiological reasons for that, and it was a mystery to the entire family, I think that those were somehow—those ideas, those experiences were somehow connected. That is, the death of that child and the inability of my mother ever to, after that, utterly and completely and freely relate to other human beings. Not that she was a recluse, or not that she seemed to be mentally ill, but that somehow deep down in her psyche she was severely traumatized, from which trauma she never recovered.

Mark Junge: How old was she?

Gerry Spence: The child?

Mark Junge: No, her. Your mother.

Gerry Spence: I think I said she was in her early fifties.

Mark Junge: Yes, you did. The reason I asked is my mother killed herself in '67 at the age of 53. And so when you mentioned that in your book—there's a lot of things I can relate to in your book—that's one thing I relate to. I'm only now beginning to understand a little bit more about the family and why she was led to do what she did. And maybe it takes forty-eight years of life on this earth to begin to understand. Maybe it's because I'm interested. But I agree with you: I don't think there's some things that you understand, and maybe will never understand unless you could go back in a time machine. But that's all irrelevant, you—that's water under the bridge, in a way. But it's—

Gerry Spence: Well it isn't irrelevant because it's—that experience lives with us always, the death of my sister. I can remember on the way from Illinois back to Wyoming, that I had a headache, and I began—and I was only, I was just a little over four—and I began to complain about a headache, and I can imagine, you can imagine the terror that struck my parents. That here this little darling child, Peggy, got sick in the morning and was dead that night, and now, a week later, our other child is getting sick, and whatever shall we do? And how hopeless and how frightened they must have been. And how they must have tried to shield me from that fear. In any event, we went back to Sheridan, and my father went again to work for the same railroad at the tie plant. He was a chemical engineer and the railroad had a treating plant there in Sheridan. So that was what brought us there.

Mark Junge: Are you saying that you maybe felt as a kid, that you *had* to live? You were the one that was left, you *had* to live?

Gerry Spence: No, I don't know that I ever consciously—I don't recall ever consciously having those kind of thoughts. That's the first suggestion I've ever had of that. But I think that the idea of a kind of underlying mysterious fear, a fear of a mysterious ailment or a mysterious kind of power that could do one in, which we all now understand to some degree or another when we begin to think about those things that can attack us, like cancer. I think that had something to do with a later development of a cancer phobia, from which I suffer. And the ideas that there is some power there over which you can't, over which you don't have control and over which you are inordinately afraid.

Mark Junge: You mention in your books how you are—were insecure—still are insecure, in the courtroom. When you leave, when the jury leaves the courtroom, you have this insecurity about you that no matter what you have done, no matter how you have exceeded your own expectations in your, whatever you call it, the *voir dire*? That you're still not sure, you're still—do you think that that insecurity relates to that unpredictability of life, maybe?

Gerry Spence: Well, I don't know. As I speak here, I think about, you know, we try to get a handle on ourselves and try to find out who we are and what makes us function. I think that every lawyer that's worth his meat, and who understands the risks of trial work, and who is realistic, and who cares, is afraid. I think if you don't care about your client, or you don't care about your case, or the cause, or you don't care about yourself, then you're not likely to be afraid of very much. So I was always afraid, and I still am, even now, terribly afraid, of what will happen to me in this next case. Because, you see, once you give the case over to the jury, you no longer have any control. You have to wrest control from yourself and give it to somebody else. Not to one person, but to twelve people that you don't know and that over whom you have no control.

Mark Junge: Isn't this fear self-perpetuating, though? You have got a record of not losing a trial case for twenty-one, twenty-two years, whatever it is. Maybe it's twenty-five. I don't know—what is it?

Gerry Spence: Mmm, I don't know. I haven't kept track. I think the last case I lost was in 1969.

Mark Junge: Okay. So let's say for twenty-two years you haven't lost—

Gerry Spence: I don't mean the last case I lost—the last—because sometimes judges take cases from you—but the last time I lost a jury trial was in 1969.

Mark Junge: Doesn't that put an inordinate amount of pressure on you to succeed, in that now you not only have whatever pushed you in the first place, but now you have a record to maintain?

Gerry Spence: Yeah, I think that, uh—yeah, I never try a case but what I don't think, well, this, you know, the loss of this case will be almost unbearable. I really can't bear the pain of losing this case. And, so I experience that, often, and have experienced it. It's a part of my life. And the thing that is even worse, is not the breaking of a record. I mean, everybody loses cases. But the—if you have ever loved and lost you maybe do not want to love again. Or if you love again, you're afraid of losing again. And if you've ever lost a case for a client, a cause that you loved, a case

that you've loved, a belief, an embracing of justice that you felt was right, and you then lose it, the pain is horrid!

Mark Junge: Let's go back a minute to your youth, your upbringing in Sheridan. You mentioned primary experiences versus secondary experiences, watching the tube, things like that. I'm really impressed by the metaphors that you use. Some of the metaphors that you use are so rural, are so "homey", these little, whatever you call 'em, aphorisms or metaphors, there's a lot of Wyoming in that. And I get the impression that you were raised outdoors. You were raised in contact with this environment.

Gerry Spence: Well I was raised in contact with that environment. My early memories of, in Sheridan were, those that meant the most to me, had to do with things I experienced outdoors. My father—if you had asked me what my father did, I would have told you, as a child, that my father was a hunter. I didn't know he—I knew he was a chemist, but that didn't mean much to me—what I really knew he did and did best was to hunt. And he often took the family with him. I can remember that my mother who was very Christian and very devout, a Methodist, would protest that he was taking the family and he was taking me away from Sunday school on Sunday, to go fishing, or to go hunting, and his reply was that, the true temple of God is outside. Why would you go inside when God's true temple is outside? And I had that vision. As a matter of fact as I grew up I thought of preachers as being tho— uh, sissies. My father was a, was really closer to God, I thought, as a child, than the preachers. Because my father was outside in the true temple, while the preachers, the sissies, were inside.

Mark Junge: Did you ever think that you could've been, had circumstances turned you down another path, a preacher?

Gerry Spence: Well, yes, I probably could, and I probably still am, I probably am, I probably do preach. I probably, I've been accused of that and I think indeed I do. I think most of my final arguments are a form of proselytization and sermonizing. And I think they're deeply influenced my early experience with preachers. The sounds

sometimes sound evangelical, the content and the structures are often parallel to the sermons that I heard as a child.

Mark Junge: And in fact, didn't your mother—wouldn't your mother have loved it if you were a preacher?

Gerry Spence: My mother had decided that she was going to give her first son to God and she—that's what she said, that she had given me to God, and that I was a, this was her viewpoint of what I should do, and um, of course I didn't agree with that. I said, you're not going to give me to anybody! You're not going to give me to God. If I decide to give myself to God, I'll give myself to God. But you know, that was an early conflict. But, you know, she was a huge influence on me, and it's an influence that I can't and don't really want to shed. I'm not a religious person, and I don't embrace the same dogmas that my mother did, nor embrace the same faith. But, my viewpoints are very similar to hers. And my, our value systems would be the same. And the religion would prove and does prove to be irrelevant. That is, the differences in our viewpoints on religion would ultimately be irrelevant since the values that we cherish are almost identical.

I can remember as a child, for example, to give you some idea what those value systems were, that it was a constant source of fretting on my part that my parents gave everything away. It was, um, those were hard times. We were coming out of the depression or we were just really in the throes of the depression, still. People were on relief. Those were the times when it was shameful to be on relief. Nobody wanted to say that they worked for the WPA. Nobody really wanted to say they worked for the government in any way. And we were a people, during those times, that felt an obligation to take care of and to aid our neighbors. My father, when he brought home a deer or an elk, gave half of it away to the neighbors, always. My father when he brought home his paycheck in cash, the first ten percent came off the top to go to the church, in cash. And I would think to myself, why're we givin' all this money away? I can't have a new pair of shoes, I only have one pair of socks, all my, my mother made all of our clothes, we bought

day-old bread because we saved two cents, we could buy a loaf of day-old bread for eight cents when fresh bread cost ten cents. We lived off of the garden and I raised a bum lamb in the summer time—

Mark Junge: Tell me about selling flowers to the prostitutes at the Rex.

Gerry Spence: (laughs) I will in a minute, but to complete the thought that I began, the idea was why do we give everything away? I mean, why don't we take, why don't—the neighbor kids, uh, Polk folks, the neighbor folks, the neighbor had a lot more than we had, and his dad was a barber who was making, who was getting twenty-five cents for a haircut! And they had more than we did. And the reason they had more than we did is they kept what they made! They didn't give it all away. But when they—when there was a neighbor woman that needed help or when Andy Sutka, who lived next door to us, was beat up, when as a cop, down in one of the gambling joints in Sheridan and was out of work and was crippled, it was my mother who took care of them. And she even hired the next door neighbor when she didn't need her, to see that she had some money and could earn it honorably. And it was this kind of down home kind of folksy altruism that were primary experiences of mine.

Mark Junge: Didn't your dad flatten somebody for, for some reason? Somebody had beaten up somebody—?

Gerry Spence: Yeah, he did. He did. That was the case. He went down and took care of the guy that beat up the neighbor, Andy Sutka. I'll never forget that. The gamblers that beat up Andy Sutka. He went down—my father used to be a semi-professional fighter, and he was very handy with his dukes! And he went down and he made himself a pair of homemade knuks and went down and (tsk) took care of justice!

Mark Junge: Well then why, where did you get these ideas, these so-called selfish ideas that maybe should be keeping some of this money your parents both gave so generously?

Gerry Spence: The other side of my—of the coin was, that my mother was so very, very frugal and thrifty, and so frightened about giving up any kind of—about not having enough, about not having a job, about not having the security of a home; and some people thought that when they came back from South America, and my father was fifty years old and didn't have a job, that that insecurity was so frightening to her that she couldn't bear it. That was one of the speculations that went on, but it was, there was always these dichotomies, you know, to give and to give and yet to be so frugal, always so frugal. And I find myself never having learned how to deal with money correctly. Never, no matter how much I make, ever feeling secure. No matter how much I have, never feeling that it's enough, and at the same time, feeling guilty about having anything.

Mark Junge: You're a product of the people who lived through the depression.

Gerry Spence: Mm hm. I'm a product of my early experiences, and my primary experiences as I've, as we've just said. But if you begin to see that what those kinds of primary experiences were, where your life was at the— my life was with the, at the church, the groups that we went with were, the people that I saw were at covered dish luncheons, or covered dish suppers at the church, with my parents. The people that we associated with were church people, churchy people, that was the community that I grew up with. That and the out-of-doors in which there was kind of a raw—there was another side of my father who had a sort of raw, very strong idea about how justice really should be rendered.

I can remember one time when the current senator, Wallops, probably his grandfather, could be his father, but perhaps his grandfather, one time put a blockade, a fence across the road up Little Goose Canyon, and it's a public road. And he was a very rich man, and he did what he chose. And he built a fence across the road. And I can remember my father—this was one of his favorite fishing spots, was Little Goose Canyon, I can still see him with that old Model-A Ford backin' up and takin' a run at that gate, at that fence. (Mark laughs) And hittin' it and the fence just flyin' and the barb wire just goin' all over the place.

And my mother was just aghast that he should do such a thing, and my father was adamant: this was a public road and that this was his right, and it was not only his right but it was his responsibility. And he often took the law into his own hands in those sorts of ways. And I think that that created in me at an early time a sort of dislike for wealthy people. And yet the dichotomy of that is, that people of the same economic strata as we were in would now see me as a wealthy person.

Mark Junge: It also seems to me that another lesson you might have learned there is that it might have erased any reluctance you would have to go out and do what you wanted to do.

Gerry Spence: What it also did was to—it made me irreverent to institutions that many people are intimidated by, to people that many people are intimidated by, and permitted me to survive and to compete, and to succeed. I think that too often we are, we worship people and institutions that aren't worthy of our worship. And we are intimidated by them. And afraid to um—and judge ourselves by them.

Mark Junge: You know I see, Gerry, in our own family I see two diverging threads or streams of thought, and I wonder if this same experience might have applied to you. Maybe it didn't. But I see kind of a collectivist "we" attitude in our family. My father was raised in southern Illinois in a rural—he was the oldest—in a rural farm family, he had brothers and sisters under him, he was the responsible one. He was expected to go out, they farmed him out to the neighbor, as labor. You didn't dwell on yourself, you were concerned about your brothers and sisters and the family, the unit, the collectivistic "we." On the other hand, when he went to—he left that rural environment, he broke away, went to the big city, went to Chicago, met my mother who was more of an individualistic "I" type of person, so—and I could go on and on and explain this to you but I think you get the picture. There seems to be this conflict, the constant conflict in even today in our own family, between giving in for the sake or good of the community, and taking what is yours and what you know you want. Did you ever have any of that in your family? I see a streak of altruism throughout your books and throughout your career. On the other

hand I also see a streak of determination that you are going to rise above and succeed at any cost almost. Well, not any cost, but—you're going to succeed, one way or another.

Gerry Spence: Well, I resented the fact that my parents were more likely to give to strangers than they were to keep for themselves or keep for the family. They were generous to a fault. On the other hand the viewpoint that one ought to be of service to others, that one ought to give to others, that one's life only has worth and merit when it is given in the service of other people, has also been a great influence to me and was a primary, one of those primary experiences that I mentioned. My primary experience was taking a widow woman fishing Sunday, on a Sunday's fishing trip, somebody who didn't have a husband and who couldn't get out, as distinguished from a kid whose primary experience is the Sunday cartoons on television and the propaganda of buying cornflakes or crispies or whatever it is at the grocery store. And those kinds of primary experiences are important, are just imperative in character development and have everything to do with the kind of nation that we have today, that has everything to do with crime, has everything to do with the dope problems that we're struggling with, and has everything to do with the disappointment that people have in their lives and the way that they deal with those disappointments and expectations.

Mark Junge: That's a great point. What would your parents—your dad's gone? He's gone?

Gerry Spence: No! He's still alive. My father's 91 years old, he's bright as a tack, and sharp and lives in Medford, Oregon, um, finished a book last year. You should have a copy of it. If you don't have a copy of it I'll see that you get it. You should have a copy. It's called the—I can't think of the verb—but it means the metamorphosis of a hillbilly kid. And he completed it in his 90th year, and it's very well written, very entertaining, and very insightful.

Mark Junge: What would your mother think if she could come back and see you in these circumstances? Would she condone what you're doing? Would she—

Gerry Spence: I've often thought of that! I think—I don't know. My father's very proud of me, and um, it was nice to discover that. I was forty years old before I learned that, and one day, you know, I went to him and I said, when I was about forty, I said, "Dad, I'm angry at you !" And I had been. I'd been angry at him for years. And especially since my mother had died, and I, you know, I had sort of had some idea that maybe if he had been better, if he had been more insightful, if he had been brighter, if he had been—whatever, perhaps he could have found out what was the matter with her in time and have prevented it or been as sensitive to that. The other side of that coin was that my father is a very open and innocent kind of man. And I don't think it ever occurred to him that he was at fault in any way. Wasn't an arrogance, it was just a simple innocence that he didn't do anything that he knows of wrong, and he never—I don't think he ever suffered from a minute's guilt. He suffered huge sorrow, but interestingly not guilt. I had huge guilt; terrible guilt. My mother's death was my fault, I thought. Took me thirty, twenty-five, thirty years to get over that. And therapy and everything else to try to deal with that issue. But my father never saw it that way. And I said to him—I haven't lost track of your question—my father said— I said to my father, "I'm very angry with you!" and he said, "Why?" I said, "Because, you know, I've tried very hard to please you. I've tried everything that I can do, that I know how, to please you. I've tried to be a good lawyer, I represent many important—I have many important clients, I've won lots of cases, I have a certain renown, already, at forty, in the state. I'm respected. Why haven't—and you haven't once ever said anything that would suggest that you approved of me in the slightest. And that hurts me."

Mark Junge: What was his response?

Gerry Spence: He was surprised! He couldn't understand. "Why, why, why—I'm proud of you!" he said. "Why, just ask so-and-so, the neighbor across the street. I was just braggin' about you the other day!" I said, "Well, you've never bragged to me. Never! Not *once*."

Mark Junge: People—see, everything you’re saying is, to me, a reflection of my own experience.

My father was very closed mouthed, very tight lipped about any kind of praise. I still can’t get it out of him. I’ve resolved that that’s not important any longer. But the other kids have all this unfinished business. Every one of ‘em feels the guilt that you felt about our mother’s death. But I don’t think that maybe your dad’s generation was that soft sensitive kind of a guy. I mean, a male was supposed to have a male’s role. I’m not sure that there was supposed to be any of this sensitivity shown to kids. Spare the rod and spoil the child, maybe. But the sensitivity to your kid and telling him you love him, my father can’t say that. I told him one time over the phone, “I love you.” And you know what his response was? “Thanks.” (laughs) Thanks!

Gerry Spence: My father’s response to that is, “Tambien.” Which is Spanish for “also.”

Mark Junge: So maybe it’s not in them.

Gerry Spence: Well, but he has that ability. He has the ability to be tender and to be gentle and I saw it much as a child, I saw—he showed a tenderness and gentleness toward animals that he hunted. I would see him suffer if he ever crippled an animal and couldn’t put it out of its misery. I’ve seen him spend countless hours tracking a wounded animal. His viewpoint was that a hunter that wounded an animal and never killed it ought to give up his gun. He was a person that displayed great gentleness to other people, and great caring toward other people. So I knew that he was sensitive, and when he didn’t—wasn’t able to ever tell me, or never did tell me that, I had problems. So I know my father was proud of me. But one of the things that I have religiously done, as I think about it now, and as I’m thinking about it with you now, is I’ve been very careful not to display any overt accretions of wealth, for fear of his criticism, even at this age. I wouldn’t want to disappoint him. I wouldn’t want him to think that I was—what’s the word—um,—

Mark Junge: Well—show-offy.

Gerry Spence: Yeah.

Mark Junge: What about your mother?

Gerry Spence: What would my mother think? I think she would have approved of some of my cases. Some of 'em she wouldn't have understood. I think she would have been proud of me. I think, and I think she would like to know that I have listened to her, all these years.

Mark Junge: In what respect?

Gerry Spence: Never a day goes by, never a situation occurs that I don't hear her. It's as if she lives with me. I don't hear her voice, I don't see her face, I don't hear words that she's spoken, but kind of the basic spirit of the way she saw things. Her attitude toward what's right and what's wrong is with me all the time. And sometimes is, it gets in the way. It's troubling.

Mark Junge: Sounds to me that it's more of a good thing than a bad thing.

Gerry Spence: Oh, it's a marvelous thing! It creates for me, it creates for me a set of values upon which I can make judgments that are important in my life and that are important in the lives of others.

Mark Junge: I think she'd be happy with that.

Gerry Spence: Yeah, I think if she wasn't that she might well urge me on to new greater heights, not in the field of materialistic success, but in accomplishing what she thinks is, what she would think would be my mission.

Mark Junge: Fighting for the rights of others?

Gerry Spence: Fighting for the rights of others in one form or another, I suppose.

Mark Junge: You're really eloquent on that subject, and it's fun to read your books and it's insightful. I read your first book, *Gunning for Justice* and it's the only book I can recall in my recent memory at least, having cried after. I mean, I just uh, I related

to that. I think other people do too. I think you have a real capacity, Gerry, to get inside of people and to empathize with them, and I wonder, sometimes, if it isn't, if you don't go to some extremes in that. Let me give you an example: your ability to empathize, to get inside other people's skins and psyches is just amazing! In reading *Murder and Madness*, the Esquibel case, it seems to me that you have to get in so deeply, that in his case you become almost insane the way he may have been insane at the moment of the crime. I mean, it's like unless—there's something in each one of these people that you describe in your books that strikes a resonant chord in your own soul. Esquibel killed his wife, you know, you say, "In a way you killed Anna," symbolically. Cantrell was a hunter; you are a hunter; and you bring up that metaphor time and again. Even your, the Kim Pring case, I can see it in that. You have an ability to absolutely relate on an absolute positive level, basic level, with those people, and I'm wondering why?

(thoughtful pause)

Now that's a long—that's not even a question. But I guess I'm wondering if you do that and how you do that and why you do that?

Gerry Spence: You know, it's a source of misery, too, because um, and it's something I have to fight against and it's something that I haven't done very well with. I mean, I always have a series of people in my life who I am concerned with, and who I worry about too much. A child—and sometimes you can injure your children by um—by becoming too—by getting too close to their problems and controlling those problems too much. Taking them into your hands. You can do that same thing with friends and acquaintances and clients to the place where you're miserable. Because you worry about them and you worry about what's gonna happen to them, and you take on the responsibility for them, and sometimes their problems can't be solved. And that causes you pain and it causes you a sense of defeat. So you have to be careful about—and I have to be careful. I'm talking mostly to myself now. I have to be careful about that propensity. And I don't know, I, uh—I don't know where the ability to empathize comes from. But it

again, comes from an early age, where we experience that as a child. Where your parents would talk to you about how it must feel to be a bum at the door. And we had bums at the door who wanted to be fed. How it must feel to be a widow, whose husband is dead, a widow who is dependent upon a charities of church and friends to survive. How it must feel to—the shame that a person must have who has been charged and convicted of a crime.

Mark Junge: Did your mother ever say to you, there's always some good in everyone?

Gerry Spence: Oh, I— that was never, it was always— I never heard my mother say a negative, spiteful, hateful word about anybody, *ever*! To the place where it was disgusting, almost, to me. Because I knew that some of these people weren't very good people. But she always defended them. And um, (long pause)

And, um, Imaging is a good deal that way too, to this day. She and I, if we're to have trouble it's likely to be over the fact that Imaging, um, defends everybody. And my mother defended everybody. And she always saw that their—inside there was something—and I suppose it was from her, although I don't know, but I suppose it was from her that I developed certain ideas about human beings. About my judgments of human beings. I don't like everybody that I defend. I don't like everybody that I associate with. Um—as a matter of fact, I may, personally, not relate very closely to very many people. Because I've—I am a—I am different, in many ways than many people that I know.

Mark Junge: Well how can you say that—

Gerry Spence: But—but the point that I'm trying to make is, is that despite that fact, there is a basic point from which I make judgments of others. And that is that I think most of us, no matter how ugly we are, or how—how, um, we have failed as we see ourselves, in our lives, doesn't make any difference whether he's a murderer or a robber or a fraud or a prostitute or a—a whatever. A bum on the street. The truth of the matter is, that those people would surely like to trade places with me—and you. They'd surely feel that they, if they knew how that we have done, they would

do it. Um, and that those of us who are more fortunate, are really just simply more fortunate. I don't believe in the ideas that are prevalent in this country that the poor are poor because they want to be poor, that bad people are bad because they are inherently bad, or that they could do different but they don't. And I'll tell you why I believe that.

I had nothing to do with the choice of my parents, but you can already see what an important role they had in forming my attitudes and my values. I could never have done any of the things that I have done, *any* of the things I have done, without having had those parents. I had—supposing I didn't even have those parents. Supposing I only had been given their genes and had been raised by somebody else. The genes that I got from those parents was a gift that I had nothing to do with. It was given to me. The genes that I have that gave me good health, that gave me reasonable intelligence, um, that gave me the ability to be sensitive and all the other things that go into making whoever we are, and whoever I am, were gifts to me, that I had nothing to do with. My parents were gifts to me. The fact that I was raised in rural Wyoming in a little community at the time that I was raised there, were gifts to me that I had nothing to do with. The fact that I went to the University of Wyoming and had a good education both in grade school and—a *good* education, not a fine education, but a *good* education. The fact that I had that were gifts to me.

The will, you say. But you—but people say who have been successful, they say this so arrogantly, and it's disgusting—they say, “But, you know, I did it! I did it!” But the answer is that I didn't really do it. Even the will that I have was a gift to me. It was something that was given to me. One time I said to my father—I wrote about this in one of my books one time—I said to my father when I was feeling bad about the way I was unable really to relate to lots of people that I'm not—and I was often a smart-alecky and a show-off and often obnoxious to the point where I didn't make friends easily—I said, you know, “This is your fault. You should have done something about this when I was a kid. You could have made me a person with manners. You could have taught me to be socially proper.

You should have, you could have taken all of that ugly arrogance out of me.” And his answer was, “Well, that’s true,” he said, “Gerry.” He said, “It’s pretty easy to kick it out of a pup, but it’s awful hard once you kick it out to put it back in again.” And it was never kicked out of me. And that was a gift. That was a gift to me. The will, the concept to succeed, the idea that I could succeed, the belief that I was alright, that I was able, that I could succeed, that I was able to do all of these things, some of which I could do and some of which (laughs) I— eventually I couldn’t do. But the idea that I was wonderful, were gifts to me. So when people say to me that, you know, you did it. I didn’t do any of it. Not *any* of it.

Mark Junge: You inherited these things.

Gerry Spence: They’re all gifts to me.

Mark Junge: In one way or another.

Gerry Spence: In one way or another. All gifts. Every one of ‘em. And even the ability to take advantage of the gift. Even the will to take advantage of the gift. Even the idea that I ought to take advantage of the gifts. Even the concept that I ought not to waste the gifts, were gifts to me.

Mark Junge: That’s a beautiful statement.

Gerry Spence: So, when I see people, who I defend, I simply understand that they did not have the same gifts as were given to me.

Mark Junge: What makes you decide that one person is worthy of those gifts and another isn’t?

Gerry Spence: I don’t make decisions like that. I don’t make decisions based on what—who is worthy and who isn’t. That’s the function of God. Or those that would pretend to be God.

Mark Junge: Does that take place in the forum in your office, where you discuss things, and come to some conclusions?

Gerry Spence: Alright, they just, you know, you say that I relate to these cases. I take cases that I relate to. Somehow the case has meaning for me. That the case has meaning for me, I'll end up doing some—defending it. Or I'll end up taking the case.

Mark Junge: but it sounds like, to me, in *Trial by Fire* that the weight of the case, as it was brought to your attention, as it was made light to you—I mean, as it came to light, rather—eventually convinced you—

Gerry Spence: Well, my viewpoints of cases aren't always the same when I begin as when I quit. The truth of the matter is that I could get involved in any case. Almost—I can think of very few cases, hardly any case that I couldn't get involved in and find a good reason to defend that person.

Mark Junge: It's almost Biblical. Very democratic. I mean, uh, you know, Jesus: how many prescriptions in the Bible are there, Jesus saying to his disciples, suffer the little children to come unto me, and you know, the lepers, and the disease, and those with malfunctions of one kind or another. I mean, everybody, everybody could come to Jesus and he didn't rule out anyone. I think I understand what you're saying.

Gerry Spence: Well, I don't hold myself out to be Jesus.

Mark Junge: No, I wasn't trying to say you were. (laughs)

Gerry Spence: And I know you weren't saying that, but it's an insight. It's an insight that you've given to me, because I never thought about it in those terms. Maybe that is Christ-like, I don't mean to be Christ-like, don't consider myself Christ-like, but certainly you don't need to put a kind of—you don't need to put a religious connotation to it. You only need to look at it honestly. The truth of it is that we are all creatures of the gifts that have been given to us or taken from us.

Mark Junge: You know, Gerry, I think there's another thing involved there, if you don't mind me saying so. And that is I think—and I wasn't saying that you were like Christ, as

you understand—I was saying that—I was trying to get to the roots of this, and I think that your Christian upbringing certainly has some powerful—

Gerry Spence: No doubt.

Mark Junge: —powerful anti-aristocratic, pro-democratic leanings to it. But I think there's something else in that, and I'd just like you to confirm or deny it. I guess there's something else in the way you associate with your client or take on, almost take on his psyche, and that is, it seems to me that once you're convinced yourself that this person is somebody you want to defend, then once you've crossed over, made that decision, crossed over the hump, from then on it's a matter of that person's survival becomes your survival. And it's—you talk about hanging on the cliff and—with your bloody fingernails, and you don't want to let go, and you don't want to let go. Your fight for survival is that person's fight for survival and it becomes one. Is that right?

Gerry Spence: Well, it's called identification, I guess. And—

Mark Junge: And I see your psyche, I see your own personality actually meld with your client's.

Gerry Spence: Well, I think that happens. I think that's true, and I think that's true because—and I say this to young lawyers everywhere—they say, 'how can I be successful'? And I say, well, you have to *care* about your client. You have to love your client. If you can't love your client, you can't care about your client, you can't win. And all of this pain, and all of this fear that we have in the courtroom, which is a place of battle and of death and dying, truly a place of battle, death and dying, emanates out of caring. And you can't really ultimately care about anybody. You can only ultimately care about yourself. And as a consequence of that, the phenomena that you just mentioned, that is, where you become the client, you become the accused, you become the maimed or the forgotten or the damned, is the means by which you ultimately can win.

Mark Junge: Save yourself.

Gerry Spence: By saving yourself. I don't know that that's healthy. It certainly isn't something that I would—we're not talking about the road to happiness, and we're not talking about how to maintain well-balanced—engage in successful living. We're only talking about how I function and that may be quite neurotic. It may be sick as hell, but then, that's what we're talking about.

Mark Junge: In a way it's a tortured existence. You have to nearly become insane to understand Joe Esquibel's motivations, or understand why he did what he did in front of eight people, or whatever it was.

Gerry Spence: Well I'll tell you this—let me tell you something. It may be a tortured existence but I will tell you that there is no doubt in my mind that I am very much alive. And there are grave doubts in my mind as to whether or not many people that I come in contact with are alive at all. And one of the ways that we are told that we can live in this world is to defend ourselves against all of these raw, passionate, primary feelings. These feelings of fear, and of love and of caring and of worry and of terror, and of compassion and loss and helplessness. All of those primary feelings we can protect ourselves against by, quote: *not becoming involved*. But it's another way of being prematurely dead. And since we're going to be dead a good long time, it seems to me that one ought to be—take every opportunity that he can to stay alive. To be alive.

Mark Junge: I think if you've died as many deaths as you have in the courtroom you obviously have a heightened sensitivity to what constitutes life.

Gerry Spence: I think that's right. And life's very important to me. I cherish it, and guard against the undue waste of it, and guard against what I consider to be intrusions into it, and so um—and I care a good deal about it.

Mark Junge: Do you care what other people think about you?

Gerry Spence: Oh, yes, sure. I mean I would be—I think that if all, everybody in the world loved me excepting one person, I would feel sad that I had somehow failed to gather the love of that person. I mean, we all need to be loved and all want to be loved and

accepted and we would like to have the world to open its arms to us and acclaim us—um—and hold us. But we have to know, we know that that's not realistic. We know that there is a hierarchy of —on our want list, on our life's want list, and I would, in—my own need to be satisfied with myself, comes above my need to have you satisfied with me. As a consequence, I sometimes have to give up your acceptance of me in order to gain my own. Sometimes, also, I'm lazy about that. I mean, the price of acceptance is sometimes too high for me. I don't—I don't want to do the things that many people have to do to be accepted. I don't want to be—I don't want to go to Rotary every Tuesday, or whatever it is. I don't want to go to church on Sunday. I don't want to—I don't like to pass—I don't like idle conversation. I don't like umm, pretention. To pretend that I like somebody or to pretend that I'm infatuated with somebody or something to gain their acceptance. I don't want to pay the price of conformity to gain acceptance. I don't want to give up my freedoms to gain acceptance. I don't want to think the way other people think in order to gain acceptance. I'm not necessarily wanting to think differently from other people, I just simply don't want to have to— *have to*—think the way other people think or to conduct my life the way other people conduct their lives, simply to gain their acceptance.

I've spent a lot of my life in revolution, against my mother and against my parents and against my upbringing, which you can now see, I cherish very much. The revolution, the revolting, the process of revolting just for the sheer, just to be revolting, is a juvenile pursuit. I agree with many things that other people agree with. I conduct myself in a way that other people conduct themselves. I do lots of things that other people do and I'm, my viewpoints are similar to the viewpoints of many other people. But they are only similar because that's the way I see them. They are similar not to please, but because that's the way I want to be. That's the way I see it. So that when I finally came to terms with a value system that was exactly the same as my mother's and father's, or ultimately very similar to my mother's and father's, it (laughs) it was on *my* terms, as a result of *my* experiences, and of having tried a variety of different things in *my* life.

Mark Junge: I can see that in the pornography issue. Maybe at one time in your life, according to your own autobiographical statements, you might have chased the skirts, might not have thought too much about that topic, and yet when that issue finally confronted you later in your life, you became a pro-anti-obscenity lawyer. I mean, you became somebody who took a stance that probably is a very traditional stance, if you get right down to the basics of it.

Gerry Spence: And I'm not even sure that that correctly states where I am on that issue. I was more—my concern wasn't so much with pornography as it was what had been done to Kim Pring as a person.

Mark Junge: Okay. I can see what you're saying coming out in your last book, *With Justice for None*. It seems like, maybe in your youth you sort of 'kicked against the pricks' as the Bible says. But that book, seems to me, shows me as the reader that you've matured and you've got a cause. I mean, there is something definite you want to say about something and you're not just kicking against authority. You're saying this needs to be changed and here's how it needs to be changed. Is that a fair statement?

Gerry Spence: Yes, I think so.

Mark Junge: You are aware of the things that people say about you?

Gerry Spence: I'm aware of some of the things they say about me. Probably not very many of them, but—

Mark Junge: How do you think the rest of the lawyers, the other lawyers in Wyoming view you?

Gerry Spence: I think there's a variety of viewpoints about me. I think basically my skills are respected. I think most of them—many of them fear me. I think some of them think I'm a phony bastard. Some of 'em think I am a charlatan and a show-off and a publicity seeker. Some quite, oh, most of them are jealous, undoubtedly, of what they perceive to be my success. Some of them are true friends and have struggled along side of me and know what struggles I've had and believe me.

Mark Junge: Like Robert Rose, for example.

Gerry Spence: Of course.

Mark Junge: Judge Armstrong, would he be another?

Gerry Spence: Yes. But—how is Judge Armstrong?

Mark Junge: Can't see very well, uh—

Gerry Spence: Is he alive yet?

Mark Junge: As far as I know he is.

Gerry Spence: Is he in Rawlins?

Mark Junge: Mm hm.

Gerry Spence: Next time I'm there I'll see him.

Mark Junge: He and Gladys, uh—

Gerry Spence: He still smokin' cigarettes?

Mark Junge: I don't know if he is or he isn't smoking cigarettes right now. But the Judge is going blind. He listens to records and tapes. Books on records and tapes. So that he can keep sharp. He's a great guy

Gerry Spence: Wonderful man.

Mark Junge: He presided over your divorce in Rawlins.

Gerry Spence: He did, yes.

Mark Junge: Did you choose him specifically? I mean, was that just an accident?

Gerry Spence: I can't remember, but probably. 'Cause it was a very painful part of my life.

Mark Junge: Well, Gerry, I know you want to get going. I have to ask you this though. But let's say that not all of the opinions of Wyoming lawyers or people are positive toward

you, and let's say that some people say, even go so far as to say things like, well—and I heard this from one person—who said, Gerry Spence is what's wrong with the legal profession today. And I didn't push the point, for some reason, stupid reason, I didn't ask them exactly what they meant. But either, it seems to me it either had to do with your flamboyance in the courtroom, or the large judgments that eventually through the appellate process get wiped out, what would be your response to that sort of criticism?

Gerry Spence: None. Because it was undoubtedly from a person who didn't know very much about me, and who hadn't shared very much of my life. And so I wouldn't bother to respond to that.

Mark Junge: I try to tell such a person to read your stuff so they can understand where you're coming from. But it seems like maybe sometimes people don't want to understand, you know what I'm saying?

Gerry Spence: 'Course not. None of us want to be disabused of our prejudices. I mean, who would we be if we didn't have them?

Mark Junge: (laughs) Okay! Okay. I'm interested to know what your fondest memory is in the legal profession, I mean, if you had to pick one case, one triumph, one that you really, really could stand as, say your—a monument, you know. If history were to come back and judge you and say here was one great case and he agreed.

Gerry Spence: I've never thought about my cases in that light.

Mark Junge: Because each one is as important as the next?

Gerry Spence: Well, each one is such an individual, like each one is a child, one of my children. And it's hard for me to—I never felt any sense of huge victory. I've just felt great relief that I won the case and that I could go on to the next one without being injured. It's like, what horrible death did you just escape that meant most to you? (both laugh) And what, I mean, because I really believe that you—that people have to—that people don't really see the trial of cases as they are. The trial of

cases are truly a trial for the lives of other human beings. And people are truly killed in courtrooms. Their throats aren't cut, but blood is let. The red blood doesn't flow in the courtroom on the floor, but it is sucked out of the body, of the life and the spirit and the soul of those people as surely as if it actually flowed, and people die there, they are sentenced to horrid little holes there, their children are wrenched from them there, their futures, their good names, are preserved or lost there. Their lives are changed there and can never be reconstructed there, and nobody ever goes through a trial or a lawsuit, win or lose, and ever comes out of that experience the same. The stakes are so high, the human stakes are so high and they are dealt with in such a shoddy way so often, and so insensitively, so often, and so uncaringly so often in the courtroom. And when I'm in a trial I am there fighting for my life and for the life of my client. Which you've suggested may become one and the same. And the loss of that—is too painful. And so the victory isn't a victory of having won, the victory is the huge release of having not lost. Relief of having not lost.

Mark Junge: Can you think of which would have been your hardest fight, though? The very hardest?

Gerry Spence: Well, the hardest fight I ever had at a trial was the recent Marcos case. But it was, it almost killed me. The Marcos case almost did me in. But, um—

Mark Junge: In terms of time, energy?

Gerry Spence: Well the obstacles in it were just unbelievable. They were just horrendous. They were too much for one man. And I called on places that I didn't even know existed in myself to get through that case.

Mark Junge: It's interesting to find out things about yourself, isn't it, when you call up that reserve that you don't think is there?

Gerry Spence: Yeah, I didn't know that it was there. And I, it took me months, it took me six months to get over that. I had fever dreams about that case for months and months. Nightmares! Couldn't sleep after it was over.

Mark Junge: can I ask you one last thing? How do you think history will judge you, a hundred years down the road.

Gerry Spence: I doubt that they'll judge me at all. I doubt that I would be of much interest to anybody a hundred years from now.

Mark Junge: Isn't that being too self-effacing, too modest?

Gerry Spence: No. I don't know—not unless a large body of mythology is built up around me. Who knows, what, you know, what the media might do. But um, based upon my current exposures, I doubt that it will have much interest in me. Nor should it.

Mark Junge: Well, you've written your autobiography, essentially, in these books, these four books. Are you going to continue to write?

Gerry Spence: Yes, I am writing. As a matter of fact I resented having to come down here this afternoon because it interrupted my writing. I'm writing a novel that I've worked on and worked on and I don't know that I can ever write a novel. I've worked—and I don't know that it's worth, the novel will be worth having worked on. But I've worked for three years on this damnable novel, and I can't get a publisher that likes it, and I can't get anybody that likes it. Some people are crazy about it, but then those are—but I'm having trouble getting people to accept it.

Mark Junge: Well why do you suppose that is? Because the books that I've read of yours flow so well. There are times I have to just put the book aside and turn the bed lamp off and go to sleep because if I don't, I won't get any sleep. But that's the way these things read, to me. You have narrative style, a great narrative flow, a prosy flow—

Gerry Spence: I don't know why it is. But I don't know enough about novel writing, I don't—this is my first novel. This is my first fiction. And I don't know enough about that to judge it. But anyway, to answer your question, yes, I am writing and I will continue to write I hope as long as I live. It's an important, very important part of me. And it's important because every day I have to do something creative.

Mark Junge: It's the artist in you.

Gerry Spence: Well, it's in all of us. And the day is lost if I don't do something creative. It is lost! I feel a huge loss if I haven't created something during the day. And, I've arranged my life so that I can do something creative every day. I get up early and work.

Mark Junge: So you're saying I just spoiled that bit of creativity in your day?

Gerry Spence: Not really, because—but I didn't want to come in. I would have ordinarily—I was working on rearranging these chapters and trying to put 'em together in a way that makes more sense, and I wouldn't have come in. I would have probably taken a nap at one-thirty, and worked, gotten up after the nap and worked some more, but you must not feel guilty, because most of the creativity that was worthwhile I did already this morning. And I rearranged my life so that nobody can really take that away from me.

Mark Junge: (laughs) Okay! I gotta ask you this. I know I said one last question. If you have these decisions reversed, ten million dollars, twenty six million, whatever they are, if those are constantly being reversed, and I understand—I don't want to get into that too much—I just want to know, how can you make a living?

Gerry Spence: Well, it doesn't happen, you know, the Pring case was reversed, that's one case in forty years of trial. I'm trying to think of some other cases. The Silkwood case was reversed, but the Supreme Court reinstated it, the United States Supreme Court reinstated it. So what you hear from the lawyers who don't really want to give credit where credit is due, which is a common shortcoming of all of us, is that well, he gets these large verdicts but he can't keep 'em. Well the first thing that you have to do in this system of ours, in this so-called judicial system of ours, is to get the verdict. You can't keep what you don't get. So you have to get it first. Now if you don't get the large verdict then you haven't lost anything and nobody can ever accuse you of having gotten a large verdict and have lost it. They can

only just say never won a fuckin' case to begin with. But in this system of ours, you have to win the case first with the jury.

And we really don't have a jury system, don't you understand? We have the mythology of a jury system. I go out and I get—just to use the case that you're familiar with—the Kim Pring case—I get a twenty-five million dollar verdict for her, from a Wyoming jury. Is that what's going—has the jury decided the case? Jury hasn't decided the case. The judge can do anything he wants to with that. The juries don't decide our cases. We think this is a jury system and that America's great because we have a jury system. Who decides the—Judge Brimmer says, well I'm gonna take half of it away, and just like that, he took twelve million dollars away, or ten, I can't remember which, now. Doesn't make any difference. He could have taken it *all* away if he'd wanted to! He couldn't have said, I don't believe that—I think the jury erred here and there, my instructions were proper, that there was, Mr. Spence made an error in his final arguments, and that a new trial should be given. He could take it *all away* (shouting) if he wants to! So what, the jury simply does—simply creates—is a hurdle that you have to get over before you get to the people that decide your case. So we don't have jury systems at all. The cases are decided by the judge. The Pring case was decided by Judge Brimmer, and then later on by a court of appeals who couldn't agree. It was a two to one decision, a split decision. The Silkwood case was a, at the court of appeals level, was a split decision.

Mark Junge: And I tell people this: I say one of the things he rails against in his last book is that this is not a jury system. That we aren't tried by a jury of our peers, that there are these old men in black robes who make decisions afterwards who wipe out the democratic process. And you know what the response was from one lawyer that I got? Was—of course he's going to feel that way, because they overturned his decision!

Gerry Spence: Well, of course I'm going to feel that way, because they overturned my decision. There is no question about that, but the truth of the matter is that that's the truth.

If they had affirmed the decision I would have loved it, but the truth of the matter is that they had the power to either affirm it or reverse it. And it is the court that has the power to overturn the jury system. To either affirm it or reverse it. And so the decision is made by the court, not by the jury.

Mark Junge: So you don't back up one iota from the statement—

Gerry Spence: Well it's true! It's just that he has to know that too. What's working is a broad kind of mythology that says that the courts are supposed to follow the jury system unless there has been error. But even the courts can't agree as to what is error. That's what all those books are about. Hundreds of thousands of books and hundreds of thousands of decisions. And the courts, even the United States Supreme Court, never can come to a universal decision. They're split five to four or something else. Our Supreme Court is split three to two, all the time. The Circuit Court of Appeals panel will be split two to three, or three to one, or two to one or something of that nature, all the way through. They *never can agree!* (thumps table) And so if they can't agree it simply means that there isn't any such thing as a universal law. It means that they decide the case as they see *fit*.

Mark Junge: Well can't people see that you are indeed 'gunning for justice'? I mean, it seems like there's this masochistic element in our society that says, look I don't care how much good he's done, I'm still agin' it. It seems like people don't want to do, or believe what's good for them to believe or do what's good for them to do.

Gerry Spence: There's never, you know, I've learned this: I've never had any problems—there's an old saying, that no charity shall go unpunished (both laugh) and I've found that to be true. The problems that I've had, the most serious problems, have resulted from my efforts to do good. Nobody gives me any trouble about being selfish. Nobody criticizes me for making lots of money—

Mark Junge: 'cept insurance companies—

Gerry Spence: —Yeah, but nobody criticizes me when I take a case for a big fee. Nobody criticized me for taking the big fee of Imelda Marcos in the Imelda Marcos case.

The fee was never—I've hardly heard anybody raise any—but you do something—for example, I spend about eighty percent of my time in the courtroom pro bono. Those are the cases that I get in trouble in. Those are the cases that cause me more criticism than anything. If you're gonna get a complaint against you for the bar, it'll be in a pro bono case. In my case. Or if you get in trouble, crosswise with a judge, it'll be in a pro bono case.

Mark Junge: Isn't that ironic?

Gerry Spence: Yeah. And it's, and it's true that there is no charity that shall go unpunished. And I don't blame 'em. See, first of all, my critics and I see this eye to eye. I don't want to be remembered for my pro bono cases. I take pro bono cases because I *like* to do it. I *like* the case. Some of the cases are so wonderful I'd pay to have 'em! I mean, some of 'em are so absolutely, unbelievably just and crying for attention and so compelling and so exciting and so, so *alive* with issues, that a lawyer ought to pay to get the case! And so I take the case, not because I am a great human being but because I am a *selfish* human being! It's a marvelous case! (shouting) *I. Want. That. Case!* I want to be involved in the case! It's a great case!

I took a murder case that I tried and for a little poor woman in Oregon that I tried for the best part of two years, I've had nothin' but grief in the case. The prosecutors filed complaints against me with the bar, that were finally dismissed without merit, but I was plagued and harassed and—but it was a beautiful—and, but, it was a beautif—and they can say, oh, and they say all these things, they say this guy did it for selfish reasons. Well, they're—that's *right!* I did it totally for selfish reasons. I *wanted to do it!* (thumps the table) How could any lawyer worth his salt not want some of these kinds of cases? They are just too beautiful!

But at the same time I don't want to go, I don't want to be hoisted on a pedestal and have people lay alms at my feet, for having taken, for having done the huge amount of pro bono work that I do. I would, I don't, that isn't my purpose. My purpose is to satisfy me.

Mark Junge: And if your mother were here, she would probably say, it's what we expect you to do.

Gerry Spence: Well, she'd probably say that, but she would see it, she wouldn't see it quite that way. I mean, she wouldn't see it quite as I've expressed it. She would say that was my responsibility, that's my duty, that was my calling and all the rest. I don't see it that way—quite. I see it as something that is just, such a privilege. Such a privilege sometimes to have cases with the right issues and the right clients and the right, I mean, some of the people that I represent are so beautiful. And so brave.

Mark Junge: You've only got a certain amount of time left on God's green earth, just like the rest of us.

Gerry Spence: Oh, yeah? How do you know about that?

Mark Junge: (laughs) You're gonna live forever!

Gerry Spence: How do you know? You know, Mortimer Adler is always, you see that—I don't know if you can see it—but (pointing) you see that picture of the two old men up there arm wrestling?

Mark Junge: Mm hmm.

Gerry Spence: That's from the, a supplement in the *Encyclopedia Britannica* that I saw and I said, I handed it to Imaging one time, and I said, "This is how I want to be and I want you to, I'd like it if you would make an enlargement of that and give it to me as my Christmas present." Which she did. But Mortimer Adler always took the position, you know, it's not *when* I die, but *if* I die. (both laugh) And he's still alive.

Mark Junge: He's still alive? Mortimer Adler?

Gerry Spence: He's still alive and wr— Mortimer Adler's still alive and he's writing two books a year, so—

Mark Junge: Wow. My God! The great books of the western world. Hutchins and Adler and the University of Chicago, how can I ever forget that part of my education! My God! Well, but, but, let's say, you just told me before, you know, Gerry, that you are going to parcel out your time as you see fit. You aren't—you don't engage yourself in idle conversation, you are now starting to husband your time. Arr'ight. Is there, are there some cases that you see as being vital to human life on this planet that you need to be involved in?

Gerry Spence: At this precise moment, at this exact, precise moment, the answer is no, but tomorrow, that will undoubtedly change. Or the next day.

Mark Junge: Okay. I really worry about freedom of speech, especially after the Persian Gulf War. I see Americans saying to themselves, "I believe in your right to say something, but I don't think you should say it. I don't think you should say it."

Gerry Spence: And, "I don't think we really should fight much for your right to say it, either," is what they say. And, don't bother me, and besides that, America is now living with its myths, and feeling pretty helpless about the truth of where we live.

Mark Junge: I see—I feel so good about when I talk to immigrants, to Italians to Chinese to Japanese, to people who come here. That's what made this country vital and when we get so set in our ways—even in Wyoming, you know, we get two or three generations behind us and we kinda become stale, we become satisfied, and we become very protective of those things that insulate us, like the TV, and it just drives me crazy because I think you're absolutely right. I think that people don't understand what is vital, what life is all about. And they don't get involved. They wanna just cover themselves with this nice little insulated comforter and say, "Until it involves me, don't bother me with it." You know, it drives me crazy.

You know, there's a lot of things I'd like to talk to you about and I know your time's limited. Should we just cut this off and then maybe I could set up my stuff and take a picture of you?

Gerry Spence: Sure.

Mark Junge: That be alright?

Gerry Spence: You bet.

Mark Junge: But I want to thank you—

Gerry Spence: You're welcome!

Mark Junge: —for your time. It's been great.

Gerry Spence: Well, you've asked good questions and you've done your homework, and I respect you.

Mark Junge: Thank you.

I haven't read all of Trial by Fire yet—

Gerry Spence: Well, you've read more of my works than most people. More of my stuff than my partners in my office. More of my stuff than my children.

Conclusion of the interview.